



March 27, 2009

ENGROSSED

HOUSE BILL No. 1494

DIGEST OF HB 1494 (Updated March 25, 2009 12:57 pm - DI 106)

Citations Affected: IC 33-39.

Synopsis: Switzerland County deputy prosecuting attorney. Removes a provision that prohibits the state from paying any amount of the annual salary of a chief deputy prosecuting attorney appointed by the prosecuting attorney of the ninety-first judicial circuit (Switzerland County).

Effective: July 1, 2009.

Bischoff, Duncan
(SENATE SPONSORS — BRAY, LEWIS)

January 14, 2009, read first time and referred to Committee on Courts and Criminal Code.
February 5, 2009, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 19, 2009, reported — Do Pass.

February 23, 2009, read second time, ordered engrossed. Engrossed.

February 25, 2009, read third time, passed. Yeas 94, nays 5.

SENATE ACTION

March 3, 2009, read first time and referred to Committee on Judiciary.

March 26, 2009, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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EH 1494—LS 6501/DI 69+



March 27, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1494

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-39-6-2, AS AMENDED BY P.L.127-2008,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. (a) A prosecuting attorney may appoint one (1)
4 chief deputy prosecuting attorney. The maximum annual salary paid by
5 the state of a chief deputy prosecuting attorney appointed under this
6 subsection is as follows:

7 (1) If the prosecuting attorney is a full-time prosecuting attorney
8 appointing a full-time chief deputy prosecuting attorney, the
9 annual salary of the chief deputy prosecuting attorney is equal to
10 seventy-five percent (75%) of the salary paid by the state to a
11 full-time prosecuting attorney.

12 (2) If the prosecuting attorney is a full-time prosecuting attorney
13 appointing a part-time chief deputy prosecuting attorney, the
14 annual salary of the chief deputy prosecuting attorney is equal to
15 seventy-five percent (75%) of the salary paid by the state to a
16 part-time prosecuting attorney serving the judicial district served
17 by the chief deputy prosecuting attorney.

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(3) If the prosecuting attorney is a part-time prosecuting attorney appointing a full-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a full-time prosecuting attorney.

(4) If the prosecuting attorney is a part-time prosecuting attorney appointing a part-time chief deputy prosecuting attorney, the annual salary of the chief deputy prosecuting attorney is equal to seventy-five percent (75%) of the salary paid by the state to a part-time prosecuting attorney.

~~(5) The state may not pay any amount of the annual salary of a chief deputy prosecuting attorney appointed under this section by the prosecuting attorney of the ninety-first judicial circuit.~~

(b) The prosecuting attorney in a county in which is located at least one (1) institution operated by the department of correction that houses at least one thousand five hundred (1,500) offenders may appoint two (2) additional deputy prosecuting attorneys. In a county having two (2) institutions, each of which houses at least one thousand five hundred (1,500) offenders, the prosecuting attorney may appoint a third deputy prosecuting attorney.

(c) The prosecuting attorney in a county in which is located an institution operated by the department of correction that houses at least one hundred (100) but less than one thousand five hundred (1,500) adult offenders may appoint one (1) additional deputy prosecuting attorney.

(d) The prosecuting attorney in a county in which is located a state institution (as defined in IC 12-7-2-184) that has a daily population of at least three hundred fifty (350) patients may appoint one (1) additional deputy prosecuting attorney.

(e) The annual salary of a deputy prosecuting attorney appointed under subsections (b) through (d) may not be less than seventy-five percent (75%) of the annual salary of the appointing prosecuting attorney, as determined under section 5 of this chapter as though the prosecuting attorney had not elected full-time status.

(f) The salaries provided in this section shall be paid by the state once every two (2) weeks from the state general fund. There is appropriated annually out of the general fund of the state sufficient funds to pay any amount necessary. However, the salaries fixed in this chapter are determined to be maximum salaries to be paid by the state. This chapter does not limit the power of counties comprising the respective judicial circuits to pay additional salaries upon proper action by the appropriate county officials.

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1 (g) The various county councils shall appropriate annually for other
2 deputy prosecuting attorneys, investigators, clerical assistance, witness
3 fees, out-of-state travel, postage, telephone tolls and telegraph, repairs
4 to equipment, office supplies, other operating expenses, and equipment
5 an amount necessary for the proper discharge of the duties imposed by
6 law upon the office of the prosecuting attorney of each judicial circuit.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1494, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PIERCE, Chair

Committee Vote: yeas 10, nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1494, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 19, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1494, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is made to House Bill 1494 as printed February 20, 2009.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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